

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

BECKLEY DIVISION

VAUGHN D. JACKSON,

Plaintiff,

v.

CIVIL ACTION NO. 5:09-cv-00954

E. LAVOYD MORGAN, JR.,

Defendant.

MEMORANDUM OPINION AND ORDER

On August 12, 2009, Plaintiff, acting pro se, filed his Complaint (Document 1) in this matter in the Northern District of West Virginia claiming entitlement to relief pursuant to 42 U.S.C. §1983. The case was subsequently transferred to this Court. (Documents 9 & 10) By Standing Order (Document 11) entered on August 21, 2009, this action was referred to the Honorable R. Clarke VanDervort, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). On April 23, 2012, the Magistrate Judge submitted Proposed Findings and Recommendation (“PF&R”) (Document 15), wherein it is recommended that this Court deny Plaintiff’s Application To Proceed Without Prepayment Of Fees (Document 2), dismiss Plaintiff’s Complaint and remove this matter from the Court’s docket.


The Court is not required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file

timely objections constitutes a waiver of de novo review and the Petitioner's right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir.1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984). In addition, this Court need not conduct a de novo review when a party “makes general and conclusory objections that do not direct the Court to a specific error in the magistrate's proposed findings and recommendations.” *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982). Objections to the PF&R in this case were due by May 10, 2012. To date, no party has filed objections to the Magistrate Judge's PF&R.

Accordingly, the Court **ADOPTS** and incorporates herein the findings and recommendation of the Magistrate Judge as contained in the Proposed Findings and Recommendation (Document 15), and **ORDERS** that Plaintiff's Application To Proceed Without Prepayment Of Fees (Document 2) be **DENIED** and Plaintiff's Complaint (Document 1) be **DISMISSED**. The Court further **ORDERS** that this matter be removed from the docket.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and to any unrepresented party.

ENTER: May 14, 2012


IRENE C. BERGER
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF WEST VIRGINIA